



U. S. Department of Justice

Civil Division

203698



Office of the Assistant Attorney General

Washington, D.C. 20530

November 2, 2001

Honorable Leonidas Ralph Mecham
Director, Administrative Office of the U.S. Courts
1 Columbus Circle, N.E.
Washington, D.C. 20544

Dear Mr. Mecham:

I am writing on behalf of the Department of Justice's litigating organizations to ask your help in notifying the judges and clerks' offices of the federal courts of the mail delivery disruption the Department's Washington, D.C., offices are facing as a result of the anthrax incidents.

At present, almost no U.S. Postal Service mail, or mail sent by private carrier (*e.g.*, Federal Express and UPS) or delivery service, is being delivered to our attorneys in Washington, D.C. Thus, most mail sent by the courts to our attorneys is not being received by them. Mail that is received arrives only after significant and unpredictable delay. This would include notices from the clerk's office, judgments, orders, and any other kind of communications the courts send to our attorneys by mail.

During this difficult period, we would appreciate the willingness of the courts to work with our attorneys in coping with the regrettable situation. Specifically, in any case where a Department of Justice attorney from Washington has entered an appearance, is counsel of record, or is otherwise receiving service from the court, we ask that the clerks of the court send all time-sensitive communications to the Department attorneys either by facsimile or by electronic mail. If this procedure is acceptable to the courts, our attorneys will promptly contact the clerks' offices and provide them with their fax numbers and email addresses, if they have not done so already.

I recognize that in some instances it may not be practicable for the courts to send us a document by fax or email. This might happen, for example, when a document is extremely lengthy, is accompanied by such items as videotapes, or where electronic transmission is unavailable. In those circumstances, we would request that the clerks' offices notify the attorney, who would then make arrangements to get the material to the Department in Washington, D.C. We will work closely with the local United States Attorneys in making these arrangements. Of course, mail from United States Attorneys to Washington will be subject to the same delay as that from other sources, and thus the need to make this request for special accommodations from the clerks of the courts.

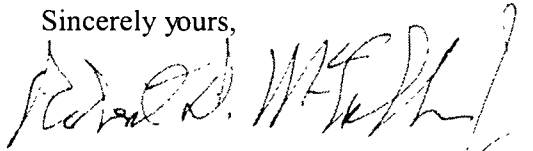
Please note that these measures will not be necessary for the Court of Appeals for the Federal Circuit or the Court of Federal Claims. Department of Justice employees hand carry mail to and from these courts.

Finally, I ask your help in conveying to the judges and the clerks' offices that we will do our best to meet our commitments to the courts during this disruption. Department attorneys will endeavor to do what they can practicably do to learn about rulings that they anticipate, and they will also seek to make arrangements with opposing counsel so that they receive filings from counsel without delays. Nonetheless, there will inevitably be some missed communications, even with the most rigorous efforts to obtain the courts' and counsels' communications, and it may be necessary for Department attorneys to seek extensions as a result. I trust that the judges and the clerks' offices will bear with us as we contend with this disruption.

We will let you know promptly when the present disruption has ended.

Thank you very much for your assistance. Should you wish to discuss this matter, please call me at 202-514-3301.

Sincerely yours,

A handwritten signature in dark ink, appearing to read "Robert D. McCallum, Jr.", written in a cursive style.

Robert D. McCallum, Jr.
Assistant Attorney General